MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UDL3612 – LAND LAW I

(All Sections / Groups)

15 OCTOBER 2019
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE (3) HOURS** in which to answer the questions.

2. This Question paper consists of 6 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt **ONE (1)** question only in **Section A** and all **THREE (3)** questions in **Section B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL COPY of: (i) National Land Code 1965 (Act 56 of 1965); (ii) Strata Title Act 1985 (Act 318); (iii) Strata Management Act 2013 (Act 757); and (iv) Land Acquisition Act 1960 (Act 486).

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer one Question only)

QUESTION 1

"Now the ordinary rule of law is, that whoever has got the solum (whoever has got the site) is the owner of everything up to the sky and down to the centre of the earth"

[*Corbett v Hill* (1870) LR 9 EQ 671 at 673, per Sir William James V-C]

In the light of relevant provision under the National Land Code 1965 and case law (if any), critically discuss the above statement with regards to the extent of ownership and enjoyment of natural rights of land that is applied in West Malaysia.

(Total : 25 marks)

Continued...

OR

QUESTION 2

(a) With reference to the relevant statute(s) and cases, discuss the concept of 'co-proprietorship' practiced in Peninsular Malaysia.

(10 Marks)

(b) Man is the proprietor of a land together with a shop-lot on which he runs his printing business. The said land is charged to Maukaya Bank. Man purchases 2 printing machines on hire-purchase from Oris Credit. The hire-purchase agreement between Man and Oris Credit did not mention about prohibition of transfer of ownership of the machines to a third party. The printing machines are affixed to the ground using heavy bolts. Man then defaulted in his repayment of the loan with Maukaya Bank. Maukaya Bank then proceeds to commence foreclosure proceedings to auction off the land. They have valued the land together with the building and 2 printing machines bought on hire-purchase from Oris Credit. Oris Credit finds out about this and sees you to seek legal advice in order to take back the machines before the auction.

Answer the following:

i) Advise Oris Credit as to its rights over the 2 printing machines.

(10 Marks)

ii) Would your answer to question (i) above, be any different if the hire-purchase agreement between Man and Oris Credit expressly prohibits the transfer of ownership of the machines to a third party?

(5 Marks)

(Total: 25 marks)

Continued...

SECTION B (Answer all THREE questions)

QUESTION 3

(a) Chong has failed to pay the quit rent of his land for the past 5 years. He has recently received a notice of demand in Form 6A from the Land Administrator to pay the arrears of quit rent.

In the light of case *Pow Hing & Anor v Registrar of Titles, Malacca* (1981) 1 MLJ 155, advise Chong on the steps that must be taken by the Land Administrator for the forfeiture proceedings under the NLC.

(10 marks)

(b) Abe is the registered proprietor of a piece of land held under title No. H.S. (M) 196, PT No. 6528 Mukim Kandang. The land was previously owned by the Melaka State Authority which has approved Abe's application for alienation of the land. At the time of alienation, there were many houses built on the land occupied by the squatters. Abe planned to develop the land into housing estate and by its notice to quit demanded the oocupiers to vacate the land.

Teemon, one of the squatters, refuses to vacate. He argued that:

i) They had acquired a right in equity to be compensated;
ii) Abe, with full knowledge of the squatters occupying the land, took the land subject to the squatters' equity;
iii) Although the squatters had entered into the state land without consent or licence, they had peaceful enjoyment and occupation without interference from the State Authorities. He further argued that a district officer allowed them to rebuild their houses on the land after fire. They also had applied for temporary occupation licence (TOL) based on promises by the State Government Exco Member that they would be given TOL; and
iv) Promissory estoppel arose from the applied consent of State Government Exco Member for the squatters to occupy the land.

Abe is not happy with the situation. He comes to you for legal advice. Advise Abe.

(15 Marks)

(Total: 25 marks)

Continued...

QUESTION 4

En. Zhafri Alfian Mustaffa Khan is the registered proprietor of a piece of land , i.e. Lot 7123. A portion of the issue document of title for Lot 7123 is reproduced below.

DHKe

Kanun Tanah Negara

Borang 5EK
(Jadual Keempat Belas)

PAJAKAN MUKIM

No. Hakmilik: 315	Cukai Tahunan: RM75.00

Pajakan selama 90 tahun, tempoh berakhir pada 19 Julai 2109

Negeri	: Melaka
Daerah	: Melaka Tengah
Bandar/Pekan/Mukim	: Mukim Beruang Hilir
Tempat	: Kampung Pinang Sebatang
No. Lot	: Lot 7123
Luas Lot	: 700 Hektar
Kategori Penggunaan Tanah	: Pertanian
No. Lembaran Piawai	: 91-D
No. Pelan Diperakui	: 105698
No. Fail	: PTHT:01/71/1987/0795

TANAH REZAB MELAYU

Tanah yang diperihalkan di atas adalah dipegang untuk selama tempoh tahun di atas oleh tuan punya pada masa namanya disebut dalam rekod ketuanpunyaan di bawah, tertakluk kepada peruntukan-peruntukan Kanun Tanah Negara, kepada kategori yang dinyatakan di atas dan kepada syarat-syarat nyata dan sekatan-sekatan kepentingan yang dinyatakan di bawah, sebagai balasan bagi pembayaran cukai tahunan yang sewajarnya.

Dengan perintah Pihak Berkuasa Negeri
Didaftarkan pada 20 Julai 2019

TM.....t.t.....
Pendaftar

Pelan tanah, bagi maksud pengenalan, adalah diperihalkan pada Borang B1.

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SYARAT-SYARAT NYATA

Hendaklah ditanam dengan tanaman padi sahaja

SEKATAN-SEKATAN KEPENTINGAN

Tanaman ini tidak boleh dipindahmilik atau dipajak dengan apa cara sekali pun dalam tempoh lapan tahun dari tarikh mula-mula pemberimilikan. Selepas tempoh tersebut, tidak dibenarkan dipindahmilik, digadai, atau dipajak kecuali mendapat kebenaran Pihak Berkuasa Negeri.

Tarikh mula-mula pemberimilikan :-
No. hakmilik asal (Tetap atau sementara) :-
No. hakmilik yang terdahulu daripada ini :-
(jika berlainan daripada di atas)

REKOD KETUANPUNYAAN

ZHAFRI ALFIAN MUSTAFFA KHAN 1/1 bhgn
No. kp: 611109-07-7623, Warganegara Malaysia
No. 21J, Jalan AKH 13/9, Taman Ayer Keroh Height, Ayer Keroh, 75450, Melaka

With reference to the issue document of title above, address the issues in each of the independent and separate situation below:

(a) En. Zhafri Alfian Mustaffa Khan has planted palm oil trees on the land. Assuming you are the Land Administrator concerned, explain the course of action you may take consequent from his conduct.

(10 Marks)

(b) Assuming the alienation of Lot 7123 was approved on 23 April 2018. En. Zhafri Alfian Mustaffa Khan now intends to transfer a portion of the land to Akello Dembe, an Uganda citizen, to jointly develop the land into a housing estate.

Advise him on the matters.

(15 marks)
(Total : 25 marks)
Continued...

QUESTION 5

With reference to the relevant provisions of the statute and case law, analyse the significant relations between Article 13 of Federal Constitution and section 3 of Land Acquisition Act 1960. Your analysis shall contain the pre-amendments and post-amendments via the Land Acquisition (Amendment) Act 1991 with effect from 13 September 1991.

(Total : 25 marks)

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